

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Elaine E. Bucklo	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 3979	DATE	8/28/08
CASE TITLE	U.S. ex rel. Tony Anderson (B-16044) v. Terry McCann		

DOCKET ENTRY TEXT:

Petitioner's petition for habeas corpus relief submitted in the above captioned number is dismissed without prejudice to petitioner proceeding with his petition for habeas relief filed in *Anderson v. McCann*, No. 08-4135. This case is closed. The clerk shall refund petitioner the \$5.00 filing fee paid in this case, and shall mail a copy of this order to Petitioner and to Standish E. Willis, 407 South Dearborn Street, Suite 1395, Chicago, IL 60605, Petitioner's attorney in Case No. 08-4135.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Petitioner Tony Anderson (B-16044), a state prisoner at Stateville Correctional Center, filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his 1991 conviction for attempted first-degree murder, armed robbery, and armed violence. At the same time his attorney filed a habeas petition on petitioner's behalf raising the same challenges to the same conviction. *See Anderson v. McCann*, No. 08-4135. Petitioner has informed the Court that he wants to proceed with the petition filed by his attorney and that he mistakenly filed the *pro se* petition in the instant case.

Accordingly, the instant petition is dismissed and this case is closed without prejudice to petitioner proceeding with his habeas petition filed in Case No. 08-4135.

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